

Dog owner files lawsuit against N.H. SPCA

But police, shelter allege cruelty



Breanna Martel, 19, of Greenland, with dogs Chase and Max, alleges the SPCA took several of her animals and adopted them out before she could fight to get them back. Rich Beauchesne/rbeauchesne@seacoastonline.com

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GREENLAND — A local woman is claiming the New Hampshire Society for the Prevention of Cruelty to Animals unjustly took nine of her animals, while the SPCA argues she was running an illegal rescue shelter and said it intends to file charges of animal cruelty.

Breanna Martel, 19, of 885 Portsmouth Ave., filed a lawsuit in Rockingham Superior Court after the SPCA seized six chihuahuas, a Labrador retriever, a dachshund and a cat on Dec. 11, 2009.

A motion for Martel to get the animals back was denied, as the animals had already been adopted through the Stratham shelter. Martel is now filing a request for a rehearing in hopes of recouping some of her costs and intends to file a civil suit in Exeter District Court, where she may be able to learn who has adopted her former pets.

The SPCA said the animals were surrendered by Martel's mother after complaints of smells coming from their residence. Those complaints led to a test that same day that revealed high levels of ammonia at the residence. There was also a determination that the animals were neglected, according to the SPCA.

The complaint alleging neglect reportedly came from someone who had been inside the home and witnessed the dogs living in squalor and feces throughout, said Steve Sprowl, SPCA cruelty investigator.

The allegations were made against a woman who says she buckles her animals in car seats for safety and called the police when she ran over a squirrel with her car. Three of the chihuahuas surrendered from the home were rescued from a puppy mill in Arkansas, Martel said. She brought them to New Hampshire to find a permanent home for them.

"I have a weakness for animals," she confessed.

Martel said she lives with a mental disability, and her mother — who helped her daughter through a difficult time — said losing the animals is like losing members of the family.

"The dogs are her life," mother Carol Jones said. "These dogs were the only thing to keep her from harming herself. When they took them out of here, it's like they murdered her."

Sprowl said the SPCA understood Martel is under psychological care, and they left two animals she has had for more than four years with her — a German shepherd and a Labrador retriever service dog. However, he said she will still be charged with neglect and cruelty to those dogs in addition to the animals surrendered.

Martel is calling into question whether the SPCA followed proper procedure in allowing her mother to sign over the surrender of the animals because she was not the owner, whether the organization should have provided an opportunity to resolve the situation and whether the animals should have been allowed to be adopted out within days of the surrender. She is also questioning whether the SPCA took advantage of her mental disability.

The animals were microchipped, spayed and neutered and immediately adopted, Sprowl said, as they are popular pets. There are no rules on how long the SPCA has to hold an animal that is surrendered, he said. If an animal is seized, they are held through the court process, he said.

"It's nothing different that we did," he said. "We do this with all dogs that are surrendered."

In addition, he said this is not the first interaction between the SPCA and Martel. Last April and July, the organization came to Martel's home to notify her she was running an illegal operation and warned her to stop, Sprowl said. Following that, a call of neglect came into the office, Sprowl said, which led the SPCA to join with Greenland police in an investigation.

"She's bringing them in as a rescue, advertising herself as a rescue group online, and you have to be licensed in the state and have a nonprofit to run a rescue," Sprowl said. "She was told not to do that, and it came to our attention that she was still running a rescue."

Martel said she didn't know a license was needed to begin operating as a rescue. She claims she did not make a profit from putting the animals up for adoption, just covered costs of caring for the animals.

"I shouldn't have done it, but I have too big of a heart to let the dogs go," Martel said.

While the operation was effectively stopped when the animals were taken, Sprowl said the Greenland Police Department is working on an arrest warrant on charges of neglect and cruelty.

"We do it all by law," he said. "They were voluntarily surrendered by the mother with no coaxing. She was told when she signed the form that it is irrevocable, which means she can't get the dogs back, and I explained that to her before she signed it."

There have been no other complaints against the SPCA of animals being taken unfairly, Sprowl said.

Martel said she understands now it's too late to get her animals back, but she would like to reach out to their new owners. "I want to stay connected to them somehow," she said.